

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

RICHARD WHITTAKER,

Defendant(s).

Case No. 2:23-CR-13 JCM (BNW)

ORDER

On February 26, 2024, this court dismissed the criminal indictment against defendant Richard Whittaker. (ECF No. 103). The court found that the charge of violating the Sex Offender Registration and Notification Act (SORNA) under 18 U.S.C. § 2250(a) was duplicative of the supervised release violation alleged in *United States v. Whittaker*, Case No. 2:16-cr-00217-APG-EJY. (*Id.*).

The government filed a motion to reconsider this court's order dismissing the case. (ECF No. 105). The court denied the government's motion based on double jeopardy concerns. (ECF No. 108). The government then filed a second motion to reconsider (ECF No. 109), which the court also denied. (ECF No. 110).

The government appealed this court's orders denying its motions to reconsider. (ECF No. 111). On April 22, 2025, the Ninth Circuit reversed this court's orders, finding that "the Double Jeopardy Clause does not bar a prosecution for the same conduct that provides the basis for the revocation of a defendant's supervised release. *United States v. Soto-Olivas*, 44 F.3d 788, 789–90 (9th Cir. 1995)." (ECF No. 119). The court's mandate was issued on May 14, 2025. (ECF No. 120).

1 Accordingly,

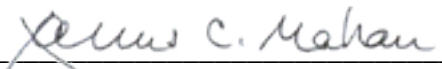
2 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that the mandate be spread
3 upon the records of this court.

4 IT IS FURTHER ORDERED that this court's order denying the government's motion for
5 reconsideration (ECF No. 108) be, and the same hereby is, VACATED.

6 IT IS FURTHER ORDERED that this court's order denying the government's second
7 motion for reconsideration (ECF No. 110) be, and the same hereby is, VACATED.

8 IT IS FURTHER ORDERED that the parties shall submit a status report within fourteen
9 (14) days of this order, informing the court whether the parties are ready to proceed to trial.

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11 DATED May 21, 2025.

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UNITED STATES DISTRICT JUDGE